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Date & Time: 9/25/2007 9:29:42 AM
Pages: 3

Re: Communication re Ap. No. 10/693719

Mr. Huson,

Please find attached our fax communication.

Thanks,

Alan

--- Confidential Communication Notice ---

This communication is confidential and may be privileged. Disclosure, copying, forwarding, or use of the contents of this communication, except by the intended recipient(s), is prohibited. If you have received this communication in error, please notify me immediately, and destroy this communication. Thank you.

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9/24/07

Mr. Gregory Huson / Supervisory Patent Examiner
Art Unit 3751
Tel: 571-272-4887
Fax: 571-273-8300

Mr. Huson,

Thank you for the telephone conversation today regarding **Application No. 10/693719**.

To recap:

On 3/6/07 we received a non-compliant brief notification.

On 3/13/07 we responded with a corrected signature page and a single replacement page 3 that simply removed some parenthetical information that was not central to any argument. This was a bona fide response and was promptly filed as it was filed within one week of the notice.

On 9/17/07 more than 6 months later we receive a notification of a non-compliant brief, we are given no time to respond, and worse, notified that the application is summarily abandoned.

The single replacement page is within the rules of MPEP 1205.03 which states "The examiner should not require a corrected brief for minor non-compliance in an appeal brief ..." We filed a single replacement page which is not material to any argument rather than re-filing a brief which is over 300 pages long. We believe our response was in good faith and within the rules.

The replacement signature was electronically filed and so falls within the purview of 37 CFR 1.4. 37 CFR 1.4(d)(2) states in part "An S-signature is a signature inserted between forward slash marks" which /i/ complies with. Next, 37 CFR 1.4(d)(2)(i) states in part "The S-signature must consist only of letters, or Arabic numerals, or both," which the letter i complies with. Next, 37 CFR 1.4(d)(2)(i) further states in part "and the person signing the correspondence must insert his or her own S-signature with a first single forward slash mark before, and a second single forward slash mark after, the S-signature" which I did. Next, 37 CFR 1.4(d)(2)(ii) states in part "A registered practitioner, signing ... must supply his/ her registration number, either as part of the S-signature, or immediately below or adjacent the S-signature. My registration number 48808 is immediately adjacent the signature. Finally, 37 CFR 1.4(d)(2)(ii) states "The signer's name must be: (A) Presented in printed or typed form preferably immediately

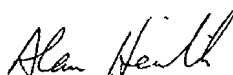
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below or adjacent the S-signature, and (B) Reasonably specific enough so that the identity of the signer can be readily recognized." Alan Heimlich is printed and adjacent the signature which is in compliance and is specific enough to identify me.

I submit that the response we filed back on March 13, 2007 is a bona fide response, was timely filed, and complies with the requirements. We ask that you reconsider the draconian abandonment in which we were given no time to correct any possible issues.

You may contact me directly on my cell at 408-646-1921
or via email at alanheimlich@heimlichlaw.com

Sincerely,



Digitally signed by Alan
Heimlich
DN: CN = Alan Heimlich,
C = US, O = Heimlich Law

Alan Heimlich
Attorney for Applicant